

REMARKS

Claims 1-16, 19-20, and 31-35 are pending in the Application. Claims 1-16, 19-20, and 31-35 stand rejected. In addition to the amendments described below, Applicants have amended the claims to more clearly recite the claimed subject matter. Entry of the present amendment and further examination of the present application in view of the following remarks is hereby requested.

Interview

Applicants' undersigned attorney wishes to thank Examiner Tang for the opportunity, on April 27, 2010, to conduct a telephonic interview regarding the pending Application. During the interview, the cited art and Applicants' proposed amendments were discussed. Agreement was reached on overcoming the 35 USC §101 and 35 USC §112 rejections. Possible amendments for overcoming the 35 USC §103 rejection were discussed. The contents of the interview are further addressed in the remarks below. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call Applicants' undersigned attorney at 206-903-2474.

Claim Rejections - 35 USC § 101

Claim 8 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. During the April 27 interview, agreement was reached that including the term "non-transitory" would overcome this rejection. Applicants have amended claim 8 and its dependent claims 9-14 to recite "non-transitory" and request withdrawal of this rejection.

Claim Rejections - 35 USC § 112

Claims 8-16, 19-20, 25-30, and 32-35 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly omitting essential structural cooperative relationships of elements. During the April 27 interview, agreement was reached that the rejection would be overcome if independent claim 21 was amended to recite that the hardware processor was communicatively coupled to the computer-readable storage device. Applicants have reviewed the claims and verified that the claims recite the relationship as requested by the Examiner

and request withdrawal of the 35 U.S.C. §112 rejection. It was also agreed that the rejection of claim 8 and its dependent claims would be withdrawn in view of the amendments made to address the 35 USC §101 rejection.

Claim Rejections - 35 USC § 103

Claims 1-6, 8-14,31-32,34, and 35 stand rejected under 35 §U.S.C. 103(a) as being unpatentable over Hile et al., hereinafter Hile (US 2002/0023140), in view of Jameson (US 2001/0047397), in further view of Lev Ran et al., hereinafter Lev Ran (US 2007/0174428). Applicants respectfully traverse the rejection and request reconsideration.

Referring to Claim 1, the Examiner repeats the assertions made in the Office Action dated April 21, 2009, namely that Hile paragraph 0014 and Fig. 4 disclose polling a server for a task request, the task request generated by a remote client computer, the task request requesting a file residing on a local computer. Applicants respectfully disagree. In Applicants' response dated December 18, 2009, Applicants presented reasons why Hile does not teach or suggest this feature of claim 1, reasons that the Examiner did not address in the present Office Action and which Applicants respectfully maintain in the present response.

As discussed during the April 27 interview, claim 1 recites a method comprising polling a server for a task request, the task request generated in response to a request by a remote user computer and associated with the remote user computer, the task request identifying a file residing on the computing device. Claim 1 thus recites an interaction between three computing elements, allowing a remote user computer to access files on a local computing device via a server. In Hile, a transfer agent asks an application server for file transfer instructions. However, the transfer agent receives file transfer instructions for files to be uploaded from the computer to the server. There is no third computer and the computer receiving the file does not generate a request for a file.

The Examiner has cited a new reference (Jameson). In Jameson, data from web pages is formatted for viewing on low bandwidth devices (see paragraph 0015). A script is sent by a remote device to a script manager on a server. The script manager (or a further downstream function) retrieves the web pages and makes them available to the remote computer. Clearly, there is no interaction between three computers to allow a remote user computer to access local user files as recited in claim 1.

During the April 27 interview, the Examiner expressed appreciation for these distinctions. The Examiner and Applicants' representative discussed amendments that would clarify the distinctions and advance prosecution of the present application. Applicants have amended claim 1 to recite:

storing user preferences for accessing user files
stored on the user computing device;
based on the user preferences, periodically polling,
by the user computing device, a server for a task request,
the task request generated in response to a request by a
remote user computer and associated with the remote user
computer, the task request identifying one of the user files
stored on the user computing device

(emphasis added to highlight added text). Support for the amendment may be found at least in the specification paragraphs 70-73. As discussed during the interview, the Examiner agreed to reconsider the allowability of the claims if the claims were amended to more clearly recite that task requests are sent from a user's remote computer to access the user's files on a local computer via a server and that the server is periodically polled and task requests received in accordance with user preferences. Applicants submit that claim 1 as amended herein is not taught or suggested by Hile and Jameson and is in condition for allowance.

For at least the above reasons, Applicant respectfully submits that the combination of Hile and Jameson fails to teach or suggest claim 1. Since the combination of Hile and Jameson fails to disclose all of the elements of the independent claim, dependent Claims 2-7 and 31 cannot be rendered obvious by the cited combination per MPEP §2143.03. Applicants respectfully request reconsideration and withdrawal of the 35 USC §103 rejection.

Independent claims 8 and 15 have been rejected for the same reasons as claim 1. Applicants have amended claims 8 and 15 to recite similar features as claim 1. For the reasons outlined above with respect to claim 1, Applicants submit that the combination of Hile and Jameson fails to teach or suggest claims 8 and 15. Since the combination of Hile and Jameson fails to disclose all of the elements of the independent claims, dependent claims 9-14, 16, 19-20, and 32-35 cannot be rendered obvious by the cited combination per MPEP §2143.03. Applicants respectfully request reconsideration and withdrawal of the 35 USC §103 rejection.

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PATENT

Conclusion

Applicant respectfully submits that the pending claims patentably define over the cited art and respectfully requests reconsideration of all pending claims. Should the examiner have any further suggestions for expediting the prosecution of the presently pending claims, the undersigned respectfully asks the examiner contact him at **206-903-1474**.

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